1 SPIRO JANNINGS 1304 Shortridge Ave. Unit C 2 San Jose, CA 95116 408-292-0646 3 Spiro@redlineracingcams.com 4 CREDITOR/APPELLANT, Pro Se 5 6 UNITED STATES BA NORTHERN DISTRI 7 SAN FRANCIS 8 9 JANNINGS, 10 Appellant, 11 v. 12 PG&E CORPORATION, and PACIFIC GAS & ELECTRIC COMPANY 13 Appellees. 14 15 SPIRO JANNINGS, pro se, CREDITOR 16 notice to the Clerk of The Court of Appellant's 17 on Appeal (Dkt. 13728) to update and correct 18 Clerk's Transmittal of Record On Appeal to the 19 1. On 05/12/23, Appellant filed a 20 Designation of Record and Statement of Issue 21 support (Dkt. 13727), and co-filed Designation of 22 2. On 05/15/23, the Court GRANTED the Motion, providing until 05/26/23. 23 3.

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U.S. BANKRUPTCY NORTHERN DISTRICT OF CALIFORNIA

NKRUPTCY COURT CT OF CALIFORNIA				
SCO DIVISION				
Bankruptcy Case No. 19-30088 (DM)				
Chapter 11 (Jointly Administered)				
APPELLANT'S AMENDED DESIGNATION OF RECORD AND STATEMENT OF ISSUES ON APPEAL FROM BANKRUPTCY COURT				
Due: May 26, 2023, per Court Order				
R/APPELLANT, hereby AMENDS his 05/12/23				
Designation Of Record and Statement of Issues				
Scrivener errors to the Docket numbers, for the				
District Court; and in support so states:				
a "Motion" for leave to expand time to file				
es on Appeal (Dkt. 13726) with Declaration in				
of Record and Statement of Issues (Dkt. 13728).				

Appellant's filing: Dkt. 13728, contained scrivener errors (*), now cured; to wit:

APPELLANT'S AMENDED DESIGNATION OF RECORD AND STATEMENT OF ISSUES ON APPEAL FROM BANKRUPTCY COURT; CASE NO.: 23-CV-01735-HSG

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AMENDED DESIGNATION OF RECORD

2	Bankruptcy	Date	Brief Summary of Document and/or Transcript
3	Docket No. 11388	Entered 10/08/21	PG&E Objection to Appellant's Claim
4	112004	10/00/01	
	11389*	10/08/21	Declaration of PG&E agent, Ledbetter in support of Objection
5	11390*	10/08/21	Declaration of PG&E agent, Leonard in support of Objection
6	11391*	10/08/21	Declaration of PG&E Counsel, Nadeau in support of Objection
7	11393	10/08/21	Notice Of Hearing
8	11753	12/28/21	Appellant's Motion to Abstain and Dismiss
9	11768	12/30/21	Appellant's Motion to Enlarge Time
10			
11	11768-1	12/30/21	Declaration of Appellant's counsel in support of motion
12	11775	12/31/21	Appellee's Opposition to Motion to Enlarge Time
13	11806	01/11/22	Appellee's Request for Default
14	11806-1	01/11/22	Exhibit e-Mails of PG&E in support of Default
15	11829	01/14/22	ORDER Disallowing Appellant's Claim
16	11871	01/26/22	Appellant's Rule 60 Motion for Relief of Order (Dkt. 11829)
17	11871-1	01/26/22	Declaration of Appellant's Counsel, Furstman
18	11871-2	01/26/22	Declaration of Appellant's Counsel, St. James
19	11872	01/26/22	Notice Of Hearing
20	11939	02/16/22	Appellee's Opposition to Rule 60 Motion
21	11940	02/16/22	Declaration of PG&E Counsel, Kim
22	11940-1	02/16/22	Exhibit e-Mail of PG&E in support of Opposition
23	11941	02/16/22	Declaration of PG&E Counsel, Nadeau
24			

APPELLANT'S AMENDED DESIGNATION OF RECORD AND STATEMENT OF ISSUES ON APPEAL FROM BANKRUPTCY COURT; CASE NO.: 23-CV-01735-HSG

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1	11941-1	02/16/22	Exhibit e-Mail of PG&E in support of Opposition
2	12009	03/14/22	ORDER Denying Appellant's Rule 60 Motion (Dkt. 11871)
3	13447	01/12/23	Appellant's Substitution of Counsel
4	13455	01/13/23	Appellant's Rule 60(b) Omnibus Motion
5	13456	01/13/23	Declaration of Appellant, Jannings
6	13458	01/17/23	Notice Of Hearing
7	13524	02/21/23	Appellee's Opposition
8	13525	02/21/23	Declaration of PG&E Counsel, Nadeau
9			
10	13561	02/28/23	Appellant's Reply to Appellee's Opposition
11	13562	02/28/23	Declaration of Appellant, Jannings
12	13563	03/01/23	ORDER Affirming 03/07/23 Hearing
13	13591	03/07/23	HEARING Transcript; Appellant's Motion (Dkt. 13455)
14	13646	03/27/23	ORDER Denying Rule 60(b) Reconsideration of Default
15	13662	04/10/23	Appellant's Notice of Appeal
16	13726	05/12/23	Appellant's Motion for Leave to Expand Time for Designation of Record and Statement of Issues
17	13727	05/12/23	Appellant's Declaration in Support of Motion for Leave to Expand Time for Designation of Record and Statement of Issues
18	13728	05/12/23	Appellant's Designation of Record and Statement of Issues
19	13733	05/15/23	The Bankruptcy Court's Order granting Appellant's Motion for Leave to Expand Time for Designation of Record and Statement
20	Pending	05/26/23	Appellant's AMENDED Designation of Record and Statement of Issues
21	*	Compated De	alcat Numbers (gariyaner armara) of filing, Did 12720
22	*	Corrected Doc	cket Numbers (scrivener errors) of filing: Dkt. 13728.
23			*** END OF DOCUMENTS ***

APPELLANT'S AMENDED DESIGNATION OF RECORD AND STATEMENT OF ISSUES ON APPEAL FROM BANKRUPTCY COURT; CASE NO.: 23-CV-01735-HSG

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STATEMENT OF ISSUES ON APPEAL

- 1. Whether the Bankruptcy Court erred by failing to apply an appropriate "case by case analysis" to Appellant's Omnibus Motion filed per F. R. Civ. P. 60(b)(1)/(3) (Dkt. 13455), for determining if [it] was "made within a reasonable time," as defined under F. R. Civ. P. 60(c);
- 2. Whether the Bankruptcy Court erred in determining "made within a reasonable time" under F. R. Civ. P. 60(c) circumvents or supersedes its stipulation of: "no more than a year after the entry of judgment," as specified for relief pursued under F. R. Civ. P. 60(b)(1)/(3);
- 3. Whether the Bankruptcy Court was prejudiced by considering the un-answered allegations of the Appellees' Objection (Dkt. 11388) to determine its ruling (Dkt. 11829) for a motion otherwise limited to a default (Dkt. 11806), and thereby prejudiced Appellant;
- 4. Whether the Bankruptcy Court erred in unfairly sanctioning Jannings individually for the misdeeds of his counsel's untimely filings, when the Court determined Appellee was not and could not be prejudiced by granting Appellant's relief;
- 5. Whether the Bankruptcy Court erred in ignoring, or failing to correct its interpretation of a clearly stated scrivener error it used in weighing its final determination;
- 6. Whether the Bankruptcy Court erred in finding the burden to determine fraud upon the Court was not met;
- 7. Whether the Bankruptcy Court erred in denying Appellant the opportunity to amend his action against Appellee in State Court, which preceded Appellee's Chapter 11 filing;
- 8. Whether the Bankruptcy Court erred in ignoring established case law pertaining to the Agency Theory over Attorney Authority that has been determined by SCOTUS since *Link* v. Wabash Railroad (1962); and brought to the Court's attention (Dkt. 13561);
 - 9. All other matters of error properly raised in the record, which can be delineated.

Respectfully submitted, Date: May 26, 2023 SPIRO JANNINGS, Appellant /s/ Spiro Jannings . SPIRO JANNINGS Pro Se APPELLANT'S AMENDED DESIGNATION OF RECORD AND STATEMENT OF ISSUES

ON APPEAL FROM BANKRUPTCY COURT; CASE NO.: 23-CV-01735-HSG Case: 19-30088

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UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF CALIFORNIA

In Re:

Bankruptcy Case No.: 19-30088 (DM) (Lead Case)

PG&E Corporation

Chapter 11

and

(Jointly Administered)

Pacific Gas and Electric Company.

CREDITOR/APPELLANT'S CERTIFICATE OF MAILING

I, the undersigned: <u>Dan Carney</u>, a disinterested non-party, acting at the request of the Appellant, Spiro Jannings, served a copy of the following documents:

1. Appellant's 05/26/23 Amended Designation of Record and Statement of Issues to be Appealed.

Further, that I complied with mailing the aforementioned documents by depositing same in the United States Postal system at San Jose, California on the date shown below, in a sealed envelope, First Class (or higher) postage prepaid, to the recipients at the addresses below:

Office of the U.S. Trustee / SF Phillip J. Burton Federal Building 450 Golden Gate Ave., 5th FL, #05-0153 San Francisco, CA 94102

KELLER AND BENVENUTTI, LLP

for PG&E Corporation, et al

Jane Kim Thomas B. Rupp 650 California St. #1900

San Francisco, CA 94108

EXECUTED BY:_

Dated: May 26, 2023

1304 Shortridge Ave., Unit C San Jose, CA 95116

Dan Carney

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